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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,)
6 Plaintiff,)
7 vs.)
8 WILLIAM THOMPSON, and)
9 JOHN DAVID YODER)
10 Defendants.)

 Case No.: 2:13-cr-00368-JAD-VCF

 FINDINGS OF FACT, CONCLUSION
 OF LAW AND ORDER

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel, and good cause appearing
13 therefore, the Court hereby finds that:

14 1. Indicted Co-Defendant, Eric Monsivais is in state custody in Riverside,
15 California. Defendant Monsivais is scheduled to be sentenced on October 23, 2017
16 on state charges to which he has pled guilty. Defendant Monsivais has not yet made
17 his initial appearance on this indictment in this District. To promote efficiency and
18 serve the interests of justice, the United States desires that the trial be continued so
19 that all defendants charged in the indictment be tried jointly, that Defendant
20 Monsivais ultimately make his appearance and have counsel appointed on this
21 matter, and to allow him sufficient time to prepare for trial.

22 2. Counsel for defendants need additional time to prepare. The discovery
23 in this case is voluminous. The additional time is necessary to allow counsel for the

1 defendants sufficient time within which to be able to effectively and completely
2 investigate the discovery materials provided.

3 3. The United States and counsel for Defendant William Thompson were
4 working on a global resolution for the instant matter and his open case in the District
5 of Arizona. Defendant Thompson ultimately decided that he wishes to go to trial in
6 this matter and not move forward with any change of plea. The time requested
7 allows the parties to have sufficient time to prepare for trial.
8

9 4. The parties agree to the continuance.
10

11 5. Defendants Thompson and Yoder are in custody and but do not object
to the continuance.
12

13 6. Denial of this request could result in a miscarriage of justice as the
14 parties are working to resolve the case via negotiation. The additional time
15 requested by this Stipulation is excludable in computing the time within which the
16 trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
17 Code §3161(h)(7)(A), considering the factors under Title 18, United States Code
§3161(h)(7)(B)(i), (ii) and (iv).
18

19 7. This is the twelfth request to continue the trial.
20

CONCLUSIONS OF LAW

21 The ends of justice served by granting said continuance outweigh the best
22 interest of the public and the defendant in a speedy trial, since the failure to grant
23 said continuance would be likely to result in a miscarriage of justice, would deny the
24 parties herein sufficient time and the opportunity within which to be able to

1 effectively and thoroughly prepare for trial, taking into account the exercise of due
2 diligence.

3 The continuance sought herein is excusable under the Speedy Trial Act, title
4 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors
5 under Title 18, United States Code, § 3161(h)(7)(B)(i), (ii) and (iv).

ORDER

8 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions,
9 proposed jury instruction, and a list of Government's prospective witnesses must be
10 submitted to the Court by April 30, 2018.

IT IS FURTHER ORDERED that the Calendar Call currently scheduled for October 23, 2017 shall be vacated and rescheduled for April 30, 2018 at 1:30 p.m.

IT IS FURTHER ORDERED that the Trial currently scheduled to begin on October 31, 2017 shall be vacated and rescheduled for May 8, 2018 at 9:00 a.m.

DATED this 23rd day of October, 2017.

Honorable Jennifer A. Dorsey
UNITED STATES DISTRICT JUDGE